HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

Writ Petition No.13149 of 2004

Between:

Elugumatla Saradha Reddy

... Petitioner

And

Union of India rep. by its
Secretary, Ministry of Home Affairs,
Freedom Fighters Division,
Loknayak Bhavan, New Delhi and others.

... Respondents

:: ORDER::

Counsel for the petitioner: Sri M. Rajamalla Reddy

Counsel for respondent Nos.1 and 3: Sri A. Rajasekhar Reddy, Assistant Solicitor General

Counsel for respondent Nos.2 and 4: Government Pleader for Revenue

December 05, 2006

This is a petition for issue of a mandamus to the respondents to sanction pension to the petitioner under Swatantrata Sainik Samman Pension Scheme, 1980 (for short, 'the 1980 Scheme').

By a separate order passed today in WPMP No.30667 of 2006, leave has been granted to the petitioner for placing on record documents - Exs.P.5 to P.11, which have bearing on his claim for pension.

Shri A. Rajasekhar Reddy says that in view of the additional documents filed by the petitioner, the Court may dispose of the writ petition by directing the State Government to verify the genuineness of the documents and submit fresh report to the Central Government. He gave out that as soon as the verification report is received from the State Government, the competent authority of the Central Government will pass appropriate order on the petitioner's claim for grant of pension.

The suggestion made by Shri A. Rajasekhar Reddy is reasonable and merits acceptance. Hence, the writ petition is disposed of with the following directions:

1) Within seven days from today, the petitioner shall submit copies of all the documents to the Deputy Secretary to the Government, Revenue Department (Freedom Fighters Division), who is also Chairman of the Committee constituted vide G.O.Rt.No.1680, dated 2-8-2006.
2) Within next two weeks, the Committee constituted by the State Government shall scrutinize the documents of the petitioner and send verification report to the Government of India.
3) Within three weeks of the receipt of the report of the State

Government, the competent authority of the Government of India shall examine and decide the petitioner's claim for grant of pension under the 1980 Scheme.

4) If it is found that the petitioner is eligible and entitled to receive pension under the 1980 Scheme, then appropriate direction be issued to the concerned authority for release of pension to her along with arrears, if any, as per the extant policy. If, on the other hand, the competent authority comes to the conclusion that the petitioner is not entitled to receive pension under the 1980 Scheme, then the reasons for rejection be incorporated in the communication to be sent to her in terms of para 3 above.

G.S. SINGHVI, CJ

December 05, 2006

Note:
The Court Officer is directed to give attested copies of this order to the counsel for the parties.

(By order)

svs